

AUTHORIZING AND DIRECTING THE SECRETARY OF THE INTERIOR TO QUITCLAIM TO JOSEPH G. PETTET ALL RIGHT, TITLE, AND INTEREST OF THE UNITED STATES IN AND TO CERTAIN LANDS IN THE STATE OF MONTANA

MAY 5, 1958.—Committed to the Committee of the Whole House and ordered to be printed

Mrs. FROST, from the Committee on Interior and Insular Affairs, submitted the following

REPORT

[To accompany H. R. 8211]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H. R. 8211) to authorize and direct the Secretary of the Interior to quitclaim to Joseph G. Pettet all right, title, and interest of the United States in and to certain lands in the State of Montana, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

If enacted, H. R. 8211 would direct the Secretary of the Interior to convey by quitclaim deed to Joseph G. Pettet of Bozeman, Mont., all right, title, and interest of the United States in and to a tract of approximately 0.67 acres of land in Gallatin County, Mont. Mr. Pettet would be required to pay the appraised fair market value of the land, exclusive of any increased value resulting from the development and improvement of the land by Mr. Pettet or his predecessors in interest.

The land described in H. R. 8211, introduced by Representative Metcalf, is a portion of a section of land granted to the State of Montana by the act of February 13, 1891 (26 Stat. 747), for use as a militia campground or for other public purposes. The conveyance included a provision for the reversion of title to the United States if the State should use the land for other than public purposes. The State of Montana is now using the grant lands as an agricultural experiment station under the jurisdiction of the animal husbandry department of Montana State College. Therefore, according to the

report of the Department of the Interior, "The only interest of the United States in this land is a possibility of reverter."

The committee was informed by the author of H. R. 8211 that the land which would be conveyed by the legislation lies north of a county road and that the remainder of the section in which it lies is south of the road; that in 1950 a house was built north of the road and that a subsequent survey showed that part of the house was built on the land described in the bill and part on deeded land. Until the survey was made it had always been assumed that the county road was the boundary line of the entire section of land conveyed to the State.

The State of Montana has agreed to join in any necessary legal acts by the United States which would permit the 0.67-acre tract to be patented to Joseph G. Pettet.

No appropriation of Federal funds would be authorized by this legislation.

AGENCY REPORT

The Department of the Interior has no recommendation to make with respect to the enactment of H. R. 8211. The Department's report, to the submission of which the Bureau of the Budget advised it had no objection, is set forth following:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D. C., September 11, 1957.

HON. CLAIR ENGLE,
*Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D. C.*

DEAR MR. ENGLE: This is in reply to your request for the views of this Department on H. R. 8211, a bill to authorize and direct the Secretary of the Interior to quitclaim to Joseph G. Pettet all right, title, and interest of the United States in and to certain lands in the State of Montana.

We have no recommendations to make with respect to the enactment of this bill.

Section 1 of H. R. 8211 would direct the Secretary of the Interior to convey by quitclaim deed to Joseph G. Pettet, of Bozeman, Mont., all of the right, title, and interest of the United States in and to a tract of approximately 0.67 acres in Gallatin County, Mont. This conveyance would be made notwithstanding the provisions of the act of February 13, 1891 (26 Stat. 747). Section 2 of H. R. 8211 would require Mr. Pettet to pay the appraised fair market value of the land within 1 year after the Secretary had notified him of the price. The Secretary would be directed to have the appraisal made on the basis of the value of the Federal interests in the land at the date of appraisal, exclusive of any increased value resulting from the development and improvement of the land by Mr. Pettet or his predecessors in interest.

The land described in H. R. 8211 is a portion of the section of land granted to the State of Montana by the act of February 13, 1891, for use as a permanent militia campground or for other public purposes. The conveyance provided for in the Act of February 13, 1891, was to include a provision for the reversion of title to the United States if the State should use the land for other than public purposes,

and, when the conveyance was made on April 20, 1892, it appropriately included such a provision. We are informed that the State is now using the grant lands as an agricultural experimental station under the jurisdiction of the animal husbandry department of Montana State College. The only interest of the United States in this land is a possibility of reverter.

We have no information indicating how Mr. Pettet secured an interest in that small portion of the grant described in the bill. Any conveyance to him by the State of Montana would appear to be a violation of the 1891 act. Having no information that such a conveyance was ever made, we are in no position to make any recommendations on the desirability of enacting H. R. 8211.

The Bureau of the Budget has advised that there is no objection to the submission of this report to your committee.

Sincerely yours,

ROGER ERNST,
Assistant Secretary of the Interior.

The Committee on Interior and Insular Affairs recommends the enactment of H. R. 8211.

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